

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	CRIMINAL NO. _____
v.	:	DATE FILED: _____
TERRANCE ROBERSON	:	VIOLATIONS:
	:	18 U.S.C. § 371 (conspiracy to make false
	:	statements to a federally licensed firearms
	:	dealer - 1 count)
	:	18 U.S.C. § 924(a)(1)(A) (making a false
	:	statement to a federally licensed firearms
	:	dealer - 1 count)

INFORMATION

COUNT ONE

THE UNITED STATES ATTORNEY CHARGES THAT:

At all times material to this information:

1. It was a federal felony crime to knowingly make any false statement or representation with respect to the information required to be kept in the records of firearms dealers, who are federal firearms licensees ("FFLs") licensed by the Bureau of Alcohol, Tobacco, Firearms, and Explosives ("ATF") or the United States Department of the Treasury.

2. The following businesses possessed a federal firearms license and were authorized to deal in firearms and ammunition under federal law:

- a. South Philly Archery and Gun, a/k/a “South Philly Archery Club,” located at 831-833 Ellsworth Street, Philadelphia, Pennsylvania;
- b. South Philadelphia Gun Shop located at 1144 South 9th Street, Philadelphia, Pennsylvania; and
- c. Fishtown Lock & Gun located at 453 East Girard Avenue, Philadelphia, Pennsylvania.

3. Various rules and regulations contained in and promulgated under the authority of Title 18, United States Code, Chapter 44 (Sections 921-929) govern the manner in which an FFL may sell firearms and ammunition. Among the rules and regulations governing FFLs were the following requirements:

- a. That an FFL not sell a firearm or ammunition to a person “who has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year” (“a prohibited person”);
- b. That a person seeking to buy a firearm fill out a Pennsylvania State Police Application/Record of Sale and wait for a background check to be performed to determine if the purchaser is a “prohibited person;”
- c. That a person seeking to purchase a firearm fill out a “Firearms Transaction Record,” ATF Form 4473. Part of Form 4473 requires that the prospective purchaser represent, subject to penalties of perjury, that he or she is the actual buyer of the firearm, rather than a “straw purchaser” acquiring the firearm on behalf of another. The Form

4473 in effect at the times relevant to this indictment contained language explaining what it means to be an actual buyer as follows:

WARNING - The Federal firearms laws require that the individual filling out this form must be buying the firearm for himself or herself or as a gift. Any individual who is not buying the firearms for himself or herself or as a gift, but who completes this form, violates the law. Example: Mr. Smith asks Mr. Jones to purchase a firearm for Mr. Smith. Mr. Smith gives Mr. Jones the money for the firearm. If Mr. Jones fills out this form, he will violate the law. However, if Mr. Jones buys a firearm with his own money to give to Mr. Smith as a birthday present, Mr. Jones may lawfully complete this form. A licensee who knowingly delivers a firearm to an individual who is not buying the firearm for himself or herself or as a gift violates the law by maintaining a false ATF 4473.

5. FFLs were required, pursuant to regulations promulgated by ATF under the authority of Title 18, United States Code, Chapter 44 (Sections 921-929), to maintain a record, in the form of a completed Form 4473, of the identity of the actual buyer of firearms sold by the FFLs.

6. From on or about December 3, 1999, until on or about April 26, 2001, defendant

TERRANCE ROBERSON

conspired and agreed, together with others known and unknown to the United States Attorney, to commit an offense against the United States, that is, to knowingly make false and fictitious statements with respect to information required by the provisions of Chapter 44, Title 18, United States Code to be kept in the records of a licensed firearms dealer, in violation of Title 18, United States Code, Section 924(a)(1)(A), that is, the identity of the actual buyer of firearms.

MANNER AND MEANS

7. Defendant TERRANCE ROBERSON agreed for a fee to purchase firearms for individuals who were involved in illegal activities, such as fraud schemes including counterfeiting and check scams, and robbery.

8. Defendant TERRANCE ROBERSON was given money from other individuals to purchase firearms on their behalf from federal firearms dealers.

9. In connection with the purchase of firearms for others, defendant TERRANCE ROBERSON falsely represented on the Form 4473, that he was the actual buyer of the firearms.

10. After purchasing the firearms, defendant TERRANCE ROBERSON provided the firearms to his customers and was paid a fee by his customers.

11. Either defendant TERRANCE ROBERSON or his customers removed the serial numbers from the firearms in an effort to disguise defendant ROBERSON's involvement in the firearms purchase.

OVERT ACTS

In furtherance of the conspiracy and to accomplish its objective, the following overt acts, among others, were committed in the Eastern District of Pennsylvania:

1. On or about December 3, 1999, defendant TERRANCE ROBERSON, acting on behalf of another, purchased one firearm, that is, a Bryco Arms/Jennings, Model 48, .380 ACP caliber pistol, serial number 895100, from Fishtown Lock & Gun, by falsely representing on Form 4473, that he was the actual buyer.

2. On or about December 6, 1999, defendant TERRANCE ROBERSON, acting on behalf of another, purchased one firearm, that is, a Davis, Model P-380, .380 caliber

pistol, serial number AP492981, from South Philly Archery and Gun, by falsely representing on Form 4473, that he was the actual buyer.

3. On or about March 31, 2000, defendant TERRANCE ROBERSON, acting on behalf of another, purchased one firearm, that is, a Bryco, Model T380, .380 caliber pistol, serial number 1421781, from South Philly Archery and Gun, by falsely representing on Form 4473, that he was the actual buyer.

4. On or about May 25, 2000, defendant TERRANCE ROBERSON, acting on behalf of another, purchased one firearm, that is, a Taurus, Model PT111, nine millimeter pistol, serial number TSC27103, from South Philly Archery and Gun, by falsely representing on Form 4473, that he was the actual buyer.

5. On or about September 19, 2000, defendant TERRANCE ROBERSON, acting on behalf of another, purchased one firearm, that is, a Taurus, Model PT111, nine millimeter pistol, serial number TSG86483, from South Philly Archery and Gun, by falsely representing on Form 4473, that he was the actual buyer.

6. On or about October 12, 2000, defendant TERRANCE ROBERSON, acting on behalf of another, purchased one firearm, that is, a Taurus, Model PT111, nine millimeter pistol, serial number TTC84023, from South Philly Archery and Gun by falsely representing on Form 4473, that he was the actual buyer.

7. On or about December 29, 2000, defendant TERRANCE ROBERSON, acting on behalf of another, purchased two firearms, that is, (1) a Bryco, Model Nine, nine millimeter pistol, serial number 1438858; and (2) a Bryco, Model J38, .380 caliber pistol, serial number 1225313, from South Philly Archery and Gun by falsely representing on Form 4473, that

he was the actual buyer.

8. On or about January 27, 2001, defendant TERRANCE ROBERSON, acting on behalf of another, purchased one firearm, that is, a Kel-Tec, Model P-40, .40 caliber pistol, serial number 98840, from South Philly Archery and Gun by falsely representing on Form 4473, that he was the actual buyer.

9. On or about January 27, 2001, defendant TERRANCE ROBERSON, acting on behalf of another, purchased one firearm, that is, a Jennings, Model Nine, nine millimeter pistol, serial number 1439508, from South Philadelphia Gun Shop by falsely representing on Form 4473, that he was the actual buyer.

10. On or about February 21, 2001, defendant TERRANCE ROBERSON, acting on behalf of another, purchased one firearm, that is, a Glock, Model 30, 45 caliber pistol, serial number DKY753US, from South Philadelphia Gun Shop by falsely representing on Form 4473, that he was the actual buyer.

11. On or about April 2, 2001, defendant TERRANCE ROBERSON, acting on behalf of another, purchased one firearm, that is, a Bryco, Model 38, .380 caliber pistol, serial number 1226405, from South Philly Archery and Gun by falsely representing on Form 4473, that he was the actual buyer.

12. On or about April 5, 2001, defendant TERRANCE ROBERSON, acting on behalf of another, purchased one firearm, that is, a Jennings, Model Nine, nine millimeter pistol, serial number 1441634, from South Philadelphia Gun Shop by falsely representing on Form 4473, that he was the actual buyer.

13. On or about April 26, 2001, defendant TERRANCE ROBERSON, acting on behalf of another, purchased one firearm, that is, a Jennings, Model Nine, nine millimeter pistol serial number 1441633, from South Philadelphia Gun Shop by falsely representing on Form 4473, that he was the actual buyer.

All in violation of Title 18, United States Code, Section 371.

COUNT TWO

THE UNITED STATES ATTORNEY FURTHER CHARGES THAT:

1. Paragraphs One through Five and Seven through Eleven of Count One are incorporated herein.

2. On or about April 26, 2001, in the Eastern District of Pennsylvania, defendant

TERRANCE ROBERSON,

in connection with the purchase of a Jennings, Model Nine, nine millimeter pistol, serial number 1441633 from South Philadelphia Gun Shop, knowingly made a false statement and representation with respect to information required by the provisions of Chapter 44, Title 18, United States Code, to be kept in the FFL holder's records, in that defendant Roberson certified on the Form 4473 that he was the actual buyer of the firearm, when in fact, as defendant ROBERSON knew, this statement was false and fictitious.

In violation of Title 18, United States Code, Section 924(a)(1)(A).

PATRICK L. MEEHAN
UNITED STATES ATTORNEY